

FILED '08 JUL 09 09:12 USC-08

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

GEORGE M. GRAY,

Petitioner

Civil No. 08-666-CL

v.

REPORT AND  
RECOMMENDATION

J.E. THOMAS,

Respondent.

CLARKE, Magistrate Judge.

By Order (#5) entered June 5, 2008, petitioner's application to proceed in forma pauperis (#1) was denied and petitioner was allowed 30 days to submit the requisite filing fee.

Petitioner was advised that failure to submit the filing fee within 30 days would result in the dismissal of this proceeding.

Petitioner has not submitted the filing fee as ordered,

nor requested an extension of time in which to do so. Accordingly, petitioner's Petition (2) should be denied without prejudice. This proceeding should be dismissed.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have ten (10) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have ten (10) days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

DATED this 8 day of July, 2008.

  
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Mark D. Clarke  
United States Magistrate Judge